MONTANA LEGISLATIVE HISTORY

Chapter 422 1993

Bill H _____ S 370 Original bill & history ____C

H. Committee on Taxation			S. Committee on Taxation		
Hearing Date(s)	Mar 16	✓ C	Hearing Date(s)	Mar 02	✓ C
	Mar 18	✓ C		Mar 04	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Mar 18	✓ C		Mar 04	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/11	3RD READING CONCURRED	78	22
	RETURNED TO SENATE		
3/16	SIGNED BY PRESIDENT		
3/16	SIGNED BY SPEAKER		
3/17	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 139		
	EFFECTIVE DATE: 03/22/93		

SB 370 INTRODUCED BY RYE

WAIVE DELINQUENT TAX ON PROPERTY SUBJECT TO A STATUTORY DUTY

2/12	INTRODUCED		
2/12	REFERRED TO TAXATION		
2/12	FIRST READING		
3/02	HEARING		
3/05	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/06	2ND READING PASSED	46	0
3/08	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
3/09	REFERRED TO TAXATION		
3/09	FIRST READING		
3/16	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	93	4
4/01	3RD READING CONCURRED	91	8
	RETURNED TO SENATE WITH AMENDMENTS		
4/06	2ND READING AMENDMENTS CONCURRED	50	0
4/07	3RD READING AMENDMENTS CONCURRED	49	0
4/14	SIGNED BY PRESIDENT		
4/14	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 422		
	EFFECTIVE DATE: 04/20/93		

SB 371 INTRODUCED BY RYE

CLARIFY AND LIMIT AUTO INSURER'S LIABILITY TO INSURED

2/12	INTRODUCED		
2/12	REFERRED TO JUDICIARY		
2/12	FIRST READING		
2/20	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED		
2/23	2ND READING PASSED	48	1
2/24	3RD READING PASSED	46	2
	TRANSMITTED TO HOUSE		
3/01	REFERRED TO JUDICIARY		
3/01	FIRST READING		
3/18	HEARING		
3/25	TABLED IN COMMITTEE		

SB 372 INTRODUCED BY SWYSGOOD

REQUIRE BOARD OF SOCIAL WORK EXAMINERS AND PROFESSIONAL COUNSELORS TO ESTABLISH PROVISIONS BY RULE TO ACCOUNT FOR PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR LICENSURE AS A

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By Chairman Mike Halligan, on March 2, 1993, at 8:00 a.m.

ROLL CALL

Members Present:
Sen. Mike Halligan, Chair (D)
Sen. Dorothy Eck, Vice Chair (D)
Sen. Bob Brown (R)
Sen. Steve Doherty (D)
Sen. Delwyn Gage (R)
Sen. Lorents Grosfield (R)
Sen. John Harp (R)
Sen. Spook Stang (D)
Sen. Tom Towe (D)
Sen. Fred Van Valkenburg (D)
Sen. Bill Yellowtail (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jeff Martin, Legislative Council
Bonnie Stark, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 370, SB 374, SB 379
Executive Action: None.

HEARING ON SB 370

Opening Statement by Sponsor:

Senator Dave Rye, Senate District 47, presented Senate Bill 370, which provides for local governments to use their discretion in suspending or cancelling delinquent property taxes on commercial, agricultural, or residential property that is subject to a State or Federal statutory duty. Senator Rye said the case in point by which SB 370 is being introduced is the former Lovell Clay Products Company in Billings, located in the Lockwood area. A buyer would like to purchase the property; however, there is an enormous amount of asbestos cleanup which, combined with the

company's delinquent property taxes, exceeds the real, or fair, market value of the property. The buyer has no interest in buying as long as the amount he would owe exceeds any potential profit he could make.

Proponents' Testimony:

Joe Gerbase, an attorney from Billings who represents the proposed buyer of the Lovell Clay Products property, Jim's Excavating, spoke in favor of SB 370. Mr. Gerbase said this site is a large site with railroad siding, it fronts on the Interstate, and there is a large brick facility on the property which is primarily composed of kilns. In the late 1970's the clay company went bankrupt and the property was taken over by SBA and sold, under a secondary loan, to a person who owned it during the 1980s and then defaulted on the loan. The SBA repossessed the property approximately two years ago. The back taxes owed are $45,000 plus accrued interest. The SBA had a Phase One environmental assessment done, and the prospective buyer had a Phase Two environmental assessment done, which involved digging pits on the property and checking for under-ground water, soil contamination, etc. The results were that none of the types of hazardous waste expected in this type of industrial use were found. However, they found that all the kilns were lined with non-friable asbestos and all of the fire brick is an asbestos-based product. Estimates to remove the asbestos products total $180,000. The back taxes and the removal costs total $225,000; the property is worth $200,000. The deal between the prospective buyer and the SBA is a purchase price of $120,000. The buyer would subdivide the industrial property, for an estimated net of approximately $80,000, less engineering costs for subdividing. The prospective buyer said he is not willing to buy the property for $120,000, pay $180,000 to clean up the property, plus pay $45,000 in back taxes.

Mr. Gerbase said they went to the County Commissioners to see if the back taxes could be waived, and learned there is no vehicle by which the County could cut the back taxes in order to allow this sale transaction to take place, however, the County Commissioners were receptive to the idea. The prospective buyer then met with the County Attorney, Clerk and Recorder, Assessor, and Treasurer and, combined, they put together a plan resulting in SB 370, which will modify an existing law that will allow for tax roll backs if jobs will be created. There would be no tax roll backs if the property is merely going back into the economy.

Mr. Gerbase said the effect of SB 370 would be that if the government imposes a duty, and someone is not the owner of the property at the time that duty is imposed, and there are back taxes where the combination of fulfilling that public duty and the back taxes are greater than the property value, under some specific criteria, the county may determine that it is in the best interests of the public to roll back the back taxes in order to get the property back in the chain of commerce.

Mr. Gerbase said that in this instance, the SBA does not want to remain involved, the County doesn't want to take the property for back taxes, so the only way to resolve this property is to work with the prospective buyer.

Mr. Gerbase said that subsequent to passage of a bill such as SB 370, the question arises if there are other areas that would potentially be benefitted by this type of law. He suggested that there are many properties in Montana with abandoned underground storage tanks that will have to be eventually removed and the property cleaned up, and if the owners can't afford the cleanup, the property may sit idle and eventually go to the County for unpaid back taxes. SB 370 would allow the counties to grant relief, which would assist in getting the properties back into the chain of commerce, producing tax money, creating jobs, and becoming a beneficial piece of property again.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Towe asked what SBA would do in the instance of the Lovell Clay Products property. Joe Gerbase said the SBA has agreed to let go of the property entirely; they can't do anything with the property. The prospective buyer will take it off their hands and agree to clean up the property.

Senator Towe questioned Mr. Gerbase for clarification of SB 370, in that the cost of cleanup, plus the cost of taxes, is more than the fair market value and, therefore, the concept is that the present owner of the property will not get re-paid after the taxes; the taxes will be paid first. According to Mr. Gerbase, SB 370 states that it isn't the debt on the property, plus the cleanup, plus the back taxes that exceed the fair market value; it's only taxes and cleanup. The debtor doesn't enter into the picture.

Senator Towe asked Mr. Gerbase if SB 370 means that the delinquent taxes will stay on the property until the cleanup has taken place. Mr. Gerbase said yes, the prospective buyer would give the county some reasonable time length within which the cleanup would be done, and if the cleanup is completed, the County would cut the taxes. If the cleanup is not completed, the taxes would stay in place.

Senator Towe commented that any property owner is liable for cleanup of his property and the County Commissioners would be

foolish to take that property into the County's ownership in a foreclosure action. Mr. Gerbase said the theory is that if the County takes the property in a foreclosure action, and holds it strictly for the purposes of selling the property to the public, the County is not supposed to be liable for cleanup.

Senator Grosfield asked about the retroactive date in SB 370. Mr. Gerbase said he doesn't know why December 31, 1987, is the date listed as the retroactive date, but it does cover the Lovell Clay Products tax problem, so he did not pursue the issue.

Senator Halligan asked how school district delinquent taxes would be affected. Jeff Martin, Legislative Council Staff, said there is a provision under the chapter involved which says it would apply to all taxes.

Senator Gage asked whether the fair market value referred to in SB 370 applied to the fair market value prior to the cleanup. Mr. Gerbase replied, yes, however, there is another provision in SB 370 where the county has to make a determination that there is a reasonable profit giving the incentive to clean up the property, so full value would be considered.

Closing by Sponsor:

Senator Rye said that passage of SB 370 would definitely be beneficial to the buyer in the Lovell Clay Products instance, even though it would not be extremely beneficial to Yellowstone County. However, the property that is presently doing nothing could be put back on the tax rolls and would eventually be employing people. On a state-wide basis, this is not an isolated incident; potentially there are many cases like this around the state. Passage of SB 370 would eventually benefit the entire state in terms of getting currently non-productive property back on the tax rolls and creating some jobs in the process.

HEARING ON SB 374

Opening Statement by Sponsor:

Senator Eve Franklin, Senate District No. 17, presented SB 374, which she views as a concept for great economic potential for both ethanol production and for the state. Senator Franklin said that in 1985, the Legislature provided for a concept in which a $6 million ethanol tax incentive program was designed to promote development of the ethanol industry in Montana. At that time, a cap of $1.5 million, per operation, was set. Currently, there is one plant operating in Montana, which is Alcotech at Ringling. Alcotech is using less than their $1.5 million permissible incentive allowance, based on their production.

Senator Franklin said SB 374 is proposing that the ethanol industry be able to use a larger portion of the tax incentive

ROLL CALL

SENATE COMMITTEE TAXATION DATE 3-2-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Halligan, Chair	✓		
Sen. Eck, Vice Chair	✓		
Sen. Brown	✓		
Sen. Doherty	✓		
Sen. Gage	✓		
Sen. Grosfield	✓		
Sen. Harp	✓		
Sen. Stang	✓		
Sen. Towe	✓		
Sen. Van Valkenburg	✓		
Sen. Yellowtail	✓		

FC8

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DATE 3-2-93

SENATE COMMITTEE ON Taxation

BILLS BEING HEARD TODAY: SB 370, 374, 379

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Joe Gerbasi	Gini's Excavating	370	✓	
Tim Babcock	American Ethanol	374		
David L. Nielsen	MT Bar	379	X	
Michael S Mizenko	MT St Bldg - Construction Council MT. St Assoc Plumbing & Heating	374	X	
Terry Cosgrove	St. Bar	379	X	
Don Stelter	Alcotech	374	—	
Carl Schweitzer	MCA	374		X
Gary Hebener	American Ethanol	374	X	
Bob Stephens	Mt. Grain Growers Assn	374	✓	
Jack Jourdonais	STAB	379	✓	
Dave Woodgerd	DOR	379	✓	

VISITOR REGISTER

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F1C

opposed to personnel. These have not been extensive grants, and they have been sporadic.

No further executive action was taken on SB 382 at this time.

EXECUTIVE ACTION ON SB 325

DISCUSSION:

Dave Woodgerd, DOR, said specific language in Montana statutes did not track with a California case regarding separate private interests in tax exempt property. The DOR requested this clarification to make sure Montana did not run into problems in this regard.

MOTION:

Senator Harp moved SB 325 DO PASS.

DISCUSSION:

Senator Towe said there is a Montana case that has gone all the way to the U. S. Supreme Court that says beneficial use is taxable under the existing language in Montana law. He questioned if it is dangerous to change the language in the statute at this time. Mr. Woodgerd said it is the DOR's view that it is dangerous to leave the language the way it is existing. The way the statute now reads is not exactly the way the Montana Supreme Court interpreted it. In order to make certain Montana follows Federal law and existing case law, Mr. Woodgerd recommends SB 325 pass.

VOTE:

The motion that SB 325 DO PASS CARRIED UNANIMOUSLY on oral vote. (491213SC.San)

EXECUTIVE ACTION ON SB 370

DISCUSSION:

In response to questions by Senator Grosfield, Senator Eck said the SBA has written off this property, and Senator Towe said he doesn't think the SBA has taken title to this property.

Senator Towe said he has a concern about this kind of bill because the secured party, whether a bank, mortgagor, SBA, etc., always wants to get out of the payment of taxes, and they want to get a superior position. Senator Towe thinks the taxes should be paid first, and doesn't see why there should be a subordination to any lending institution.

Senator Harp said the problem is that the property would stay as it now exists, and will never move. He thinks there has to be a way to get the property back on the tax rolls.

Senator Van Valkenburg said he is concerned that by passage of this bill, there would be total avoidance of statutory duty, i.e., taking care of underground storage tanks, etc. He would like to put a termination date on this bill, see if this property can be sold, and see what other similar requests surface, before making this a permanent law.

MOTION TO AMEND:

Senator Van Valkenburg moved to amend SB 370 to add a termination clause of December 31, 1994.

DISCUSSION:

Jeff Martin, Legislative Council Staff, said that termination date will require a new section in law. Senator Harp said it would be good if this would require someone to come in and be an advocate for retaining the statute. Senator Gage said the statute needs to be left long enough to see what develops and how much interest there is in retaining it.

Senator Grosfield asked if Yellowstone County would get some assurance ahead of time so they can make a determination to cancel or not cancel the delinquent taxes. Senator Towe said his understanding is that a commitment would be made in advance from the county that if the prospective purchaser cleans up the property, the county then has the authority to cancel the taxes, and will commit to cancel them.

VOTE:

The amendment to SB 370 CARRIED UNANIMOUSLY on oral vote. (sb037001.ajm)

DISCUSSION:

Senator Gage asked who "the governing body" is in this bill. Senator Halligan said "the governing body of a county or consolidated local government" is defined in the bill, so the determination to cancel or not cancel delinquent taxes is made at the county level.

Jeff Martin said the cancelled taxes applies to all mill levies, and the county government is the governing authority.

MOTION/VOTE:

Senator Harp moved SB 370 DO PASS AS AMENDED (491214SC.San). The motion CARRIED UNANIMOUSLY on oral vote.

ROLL CALL

SENATE COMMITTEE TAXATION DATE 3-4-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Halligan, Chair	✓		
Sen. Eck, Vice Chair	✓		
Sen. Brown	✓		
Sen. Doherty	✓		
Sen. Gage	✓		
Sen. Grosfield	✓		
Sen. Harp	✓		
Sen. Stang	✓		
Sen. Towe	✓		
Sen. Van Valkenburg	✓		
Sen. Yellowtail	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 4, 1993

MR. PRESIDENT:
We, your committee on Taxation having had under consideration Senate Bill No. 370 (first reading copy -- white), respectfully report that Senate Bill No. 370 be amended as follows and as so amended do pass.

Signed: _____
Senator Mike Halligan, Chair

That such amendments read:

1. Title, line 10.
Strike: "AND"
Insert: ","

2. Title, line 11.
Following: "DATE"
Insert: ", AND A TERMINATION DATE"

3. Page 4.
Following: line 3
Insert: "NEW SECTION. Section 5. Termination. [This act] terminates December 31, 1994."

-END-

Amd. Coord.

HEARING ON HOUSE BILL 370

Opening Statement by Sponsor:

SEN. DAVE RYE, SD 47, Billings, said SB 370 allows local governments the discretion to cancel delinquent taxes on property in order to facilitate the sale or continued use of the property when the fair market value of the property exceeds the delinquent taxes . He said the Lovell Clay Products site near Lockwood has a major asbestos clean-up problem. The prospective purchaser is faced with delinquent property taxes that far exceed the value of the property. If the County Commissioners are allowed to forgive the taxes, the purchaser can go ahead with the clean-up and purchase the property.

Proponents' Testimony:

Jim McIntosh, Jim's Excavating Service, Billings, said he is the prospective purchaser of the Lockwood property. He had made an offer of $120,000 on the land when he found the clean-up would cost $180,000. He had already paid $5000 for a study and paid $15,000 in taxes on an adjacent piece of property. He asked his attorney to speak to the Committee.

Joe Gerbase, Attorney, Billings, said the property in question was foreclosure property owned by the Small Business Administration (SBA). The initial SBA environmental assessment did not disclose the full extent of the asbestos problem. The clean-up would cost $180,000 due to the complexity and extent of the asbestos problem in the old brick kiln on the property. SBA forgave the original $120,000 purchase price and told them they could have it for the clean-up and back taxes which were $45,000. The total cost of the property would have then been $225,000 which exceeded the market value of the property by $25,000. **Mr. Gerbase** consulted with the County Commissioners and the County Attorney for a method of negating the taxes, but could not find a remedy for an individual purchaser. The bill is a result of that situation. It would prevent abandonment of some hazardous waste sites as the tax forgiveness would allow for development of the property.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. RANEY asked if local governments can forgive state taxes.

Mr. Gerbase replied the bill refers specifically to all real estate taxes that are delinquent.

REP. HARPER asked why the bill terminates Dec. 31, 1994.

SEN. RYE explained that he was surprised to see the termination date. He said **SEN. TOWE** felt that since this one situation is addressed by the bill, he wants to be sure the project will be completed by the end of 1994. **SEN. RYE** said he did not realize the termination date had been added and said he would be happy to have the Committee remove it.

Mr. Gerbase said three years ago he never saw a hazardous waste case. His current case load is comprised of 60% - 70% hazardous waste/environmental problems. He said the bill will be very beneficial to a growing number of people over the next ten years.

Closing by Sponsor:

SEN. RYE pointed out a provision in the bill whereby the delinquent taxes cannot be forgiven if the purchaser is delinquent on any other property taxes in the taxing jurisdiction. He said the bill is important beyond the one case it addresses. It will be a tool for resolving similar cases in years to come.

HEARING ON HOUSE BILL 669

Opening Statement by Sponsor:

REP. RUSSELL FAGG, HD 89, Billings, said Montana has a budget deficit in excess of $200 million and HB 669 is an important part of the House leadership's tax plan for the next biennium.

In fiscal year 1994, Montana's residents and visiting tourists are projected to lose approximately $200,000 in Montana's video gambling machines. People lose more money in video gaming each year than is appropriated for the University system for the biennium.

HB 699 reduces the taxes on small operators and raises the taxes on large casinos. At present there are 1553 gambling establishments in the state. Taxes will be lowered on 1340 of those establishments under provisions of HB 669. Only 213 casinos will face an increase. Taxes are reduced from the flat rate of 15% (16.4% currently due to 7% surcharge) down to 14% on the first $120,000 of income. The next $40,000 of income is taxed at 16%, the next $40,000 at 18%, and everything above that amount is taxed at 20%.

He reviewed the chart explaining the graduated rate tax developed by the Department of Revenue (DOR) at the request of the House leadership **EXHIBIT 1.** He said the tax increase does not affect local governments. He understands the viewpoint espoused by many that the state should not be dependent on gambling income. He said the state does have gambling and it should be taxed at a

HOUSE OF REPRESENTATIVES

TAXATION COMMITTEE

ROLL CALL DATE 3/16/93

NAME	PRESENT	ABSENT	EXCUSED
REP. GILBERT, CHAIRMAN	✓		
REP. FOSTER	✓		
REP. HARRINGTON	✓		
REP. ANDERSON	✓		
REP. BOHLINGER	✓		
REP. DOLEZAL	✓		
REP. DRISCOLL	✓		
REP. ELLIOTT	✓		
REP. FELAND	✓		
REP. HANSON	✓		
REP. HARPER	✓		
REP. HIBBARD	✓		
REP. KELLER	✓		
REP. McCAFFREE	✓		
REP. McCARTHY	✓		
REP. NELSON	✓		
REP. ORR	✓		
REP. RANEY	✓		
REP. REAM	✓		
REP. TUNBY	✓		

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

_____ COMMITTEE BILL NO. SB370

DATE 3/16/93 SPONSOR(S) _____

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
[illegible] Valley	Jim McIntosh	X	
Jim McIntosh	" "		
[illegible]			
~~[illegible]~~	~~Village Inn Pizza~~ Malt - SB 669		~~X~~
Kathy Leitzke	Gold Nugget Casino		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Mr. Heiman said if the date was moved to January 1, 1995, it would be the first day of the 1995 session. He said he would prefer to make it July 1, 1995, following the session. REP. REAM agreed with Mr. Heiman's suggestion.

Motion/Vote: REP. REAM moved to amend his previous motion to an effective date of July 1, 1995. There would be no fiscal impact this biennium. Motion carried unanimously.

Motion/Vote: **REP. REAM MOVED HB 680 DO PASS AS AMENDED.**

REP. DOLEZAL said he had asked Mike Pichette of Montana Power Company to submit data on the tax credit. **EXHIBIT 4**

Vote: Motion that HB 680 **DO PASS AS AMENDED** carried unanimously.

EXECUTIVE ACTION ON SB 370

Motion: **REP. NELSON MOVED SB 370 BE CONCURRED IN.**

Motion/Vote: **REP. NELSON** moved to amend the termination date on page 4, line 5, by striking "December 31, 1994" and inserting "July 1, 1995". This would make the termination date effective following adjournment of the 1995 session.

Discussion:

REP. HARPER said Section 2 gives local governments the ability to cancel or suspend local property taxes. **Mr. Heiman** said Section 2 is just the procedure to go through to effect the cancellation rather than a particular type of cancellation of property taxes. A local government cannot unilaterally cancel property taxes. They can only cancel property taxes in certain circumstances.

REP. HARPER said the bill, as written, gives local governments the authority, if they determine that federal or state law imposed a duty other than tax assessments, to cancel any resultant property taxes. **Mr. Heiman** said it would only be state or local property taxes, not federal.

REP. HARPER said the bill did a lot more than just address one problem. It gives local governments the power to cancel state property taxes if they determine the statutory obligation is attached to the property in any way. **Mr. Heiman** replied that was correct.

REP. DRISCOLL said local governments can only cancel delinquent property taxes if a new buyer reopens the business, keeps it for at least two years, and has employees. In that case, the property taxes are suspended. If they stay in operation for three years, then the taxes are waived.

REP. HIBBARD stated he did not have a problem with the bill and felt it was specific enough that it wouldn't open up a lot of tax holidays. He said it had a fairly narrow definition.

Motion/Vote: **REP. NELSON MOVED SB 370 BE CONCURRED IN AS AMENDED.** Motion carried unanimously.

EXECUTIVE ACTION ON SB 412

Motion/Vote: **REP. FELAND MOVED SB 412 BE CONCURRED IN.** Motion carried 18-1 with **REP. McCAFFREE** voting no.

EXECUTIVE ACTION ON HB 17

Motion: **REP. REAM MOVED HB 17 DO PASS.**

CHAIRMAN GILBERT said there was some concern with the open-end fees as opposed to current law. He presented proposed amendments on page 3, line 3, which insert the language, "The fees adopted by the department shall be commensurate with the budget authority as approved by the Legislature." The intent is to make sure the fees are not raised beyond specific needs.

REP. HARPER said the fees should be based on what is necessary to carry out the duties.

REP. DRISCOLL said the way the bill is written, money is deposited in a special revenue account. The Appropriation Committee's authority is needed to spend any of it. The amendment just clarifies the legislative intent.

Motion/Vote: **REP. FOSTER moved adoption of the amendment on page 3, line 3.** Motion carried unanimously.

Motion/Vote: **REP. REAM MOVED HB 17 DO PASS AS AMENDED.** Motion carried 16-3 with **REPS. FOSTER, ORR and FELAND** voting no.

EXECUTIVE ACTION ON HB 70

Motion: REP. McCARTHY MOVED HB 70 DO PASS.

CHAIRMAN GILBERT proposed the same amendment as was just adoped for HB 17, page 3, line 4.

Motion/Vote: REP. McCARTHY moved adoption of the amendment on page 3, line 3. Motion to amend carried unanimously.

Motion/Vote: REP. McCARTHY MOVED HB 70 DO PASS AS AMENDED. Motion carried 16-3 with REPS. FOSTER, FELAND and ORR voting no.

HOUSE OF REPRESENTATIVES

TAXATION COMMITTEE

ROLL CALL DATE 3/12/93

NAME	PRESENT	ABSENT	EXCUSED
REP. GILBERT, CHAIRMAN	✓		
REP. FOSTER	✓		
REP. HARRINGTON	✓		
REP. ANDERSON	✓		
REP. BOHLINGER	✓		
REP. DOLEZAL	✓		
REP. DRISCOLL	✓		
REP. ELLIOTT	✓		
REP. FELAND	✓		
REP. HANSON	✓		
REP. HARPER	✓		
REP. HIBBARD	✓		
REP. KELLER	✓		
REP. McCAFFREE	✓		
REP. McCARTHY	✓		
REP. NELSON	✓		
REP. ORR	✓		
REP. RANEY	✓		
REP. REAM	✓		
REP. TUNBY	✓		✓ until 10:00